

**PLANNING BOARD
MEETING MINUTES
JANUARY 5, 2010**

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1/12/2010*

**6:30PM
TOWN OF BIG FLATS
MEETING ROOM**

MEMBERS PRESENT: Lance Muir, Angela Piersimoni, Scott Esty, Jim Ormiston, Bob Byland, Dave Seely, Carl Masler

MEMBERS ABSENT: None

STAFF: Stephen Polzella, Director of Planning, Thomas Dobrydney, Planner, Brenda Belmonte, Secretary

GUESTS: Alberta Howard, Guerry Howard, Robert Butcher, Darrell Johns Jr., Keith Hill, Don Gaylord, Linda Johns, David Kinney, Suzanne Matthews, John Hunter, James Rhodes, Carolyn Welliver, Jerry Welliver, Michael Kinney

Chair Muir called the meeting to order at 6:30pm noting all members were present.

MINUTES

December 1, 2009

Motion by Seely, seconded by Byland, to approve the minutes of December 1, 2009, Discussion, None, Motion Carries 5-0, with Esty and Ormiston abstaining.

**PUBLIC HEARING
JOHNS SUBDIVISION
TAX PARCEL 47.00-1-49.1**

Chair Muir opened the Public Hearing at 6:31pm noting it was duly published in the Star Gazette.

Speaking for:

Keith Hill, 639 Hibbard Rd, stated he came for further explanation of the subdivision.

James Rhodes, Hibbard Rd, sees no issues with the application. This land has been in the applicant's family for generations.

Speaking against:

None

Public Hearing closed at 6:34pm.

**RESOLUTION P-2010-1
JOHNS SUBDIVISION
TAX PARCEL 47.00-1-49.1
608 HIBBARD RD**

Resolution by: Esty
Seconded by: Byland

WHEREAS, this Board has received an application for subdivision review on October 8, 2009; and

WHEREAS, this Board, as per Town of Big Flats Code 16.08.030(D), has determined the preliminary plat to be complete; and

WHEREAS, this Board conducted a Public Hearing on Preliminary Plat on April 7, 2009; and

WHEREAS, the following are finding of fact:

- A. The Subdivision Sketch, stamped received October 14, 2009 is generally complete and technically adequate
- B. The Subdivision generally conforms to the design and construction standards described in Chapters 16.08.030 (Preliminary plat procedures) of the Town Municipal Code as well as the Planning Board Rules and Regulations and the BFZL
- C. The Subdivision has due regard for the provision of adequate access to all of the lots in the subdivision by existing ways that will improved to Town Driveway Specifications.
- D. The Subdivision is an Unlisted Action in accordance with 6NYCRR 617.3, that this Board is the Lead Agency completing an uncoordinated review
- E. That based on the review of Part 2 of the SEQRA Short Environmental Assessment Form completed by the Applicant and this Board, this Board found no significant potential adverse environmental impact and therefore issued a Negative Declaration on December 1, 2009

WHEREAS, the following are terms prior to endorsement of the final plat:

- A. The applicant shall submit one (1) Mylar and four (4) paper copies to Director of Planning amended as indicated in the Staff Report dated December 29, 2009.
- B. The applicant shall file the approved subdivision plat with the Chemung County Clerk within (62) sixty-two days from the date of final endorsement

- C. Failure of the applicant to file the final plat with the County Clerk within (62) sixty-two days shall cause such final approval to expire pursuant to Section 16.08.040(J) of the Town Municipal Code
- D. All documents shall be prepared at the expense of the applicant, as required by the Planning Board Rules and Regulations Governing the Subdivision of Land
- E. The Applicant shall construct the driveway in accordance with Town of Big Flats Driveway Specifications.
- F. An Easement shall be created to provide driveway access to tax parcel # 47.00-1-50 for an existing driveway across the new parcel.

WHEREAS, the following are terms prior to obtaining a building permit:

- A. Three (3) complete copies of the endorsed and recorded subdivision plans and one (1) certified copy of the following documents: recorded subdivision approval, individual septic approval, driveway access permit from the appropriate Public Works agency, and any other documentation required by the Building and Code Department
- B. A plot plan for the lot in question must be submitted to the Building Inspector, which includes all of the following:
 - a. location of the structure
 - b. location of the driveways
 - c. location of the septic systems
 - d. location of all water and sewer lines
 - e. location of wetlands and any site improvements required
 - f. any grading called for on the lot
 - g. all required zoning setbacks
 - h. Location of any drainage, utility and other easements
- C. All appropriate erosion control measures for the lot shall be in place. The Big Flats Stormwater Officer and Code Enforcement Officers shall make final determination of appropriate measures
- D. Lot numbers, visible from the roadways must be posted on all lots
- E. The proposed driveway must be constructed to Town Specifications in cooperation with the Town of Big Flats DPW Commissioner.

WHEREAS, the following are terms prior to obtaining a certificate of occupancy:

- A. All necessary permits and approvals for the lot in question shall be obtained from any other agency
- B. Permanent house numbers must be posted on dwellings and be visible from the road
- C. The Applicant shall obtain, in writing from the Commissioner of Public Works, verification of adequate driveway construction.
- D. The Applicant shall ensure that all Planning, Board of Health, and Public Works requirements are satisfied and that construction was in strict compliance with all approved plans and conditions

WHEREAS, the following are general conditions for the project:

- A. There shall be no burying or dumping of construction material on site
- B. The location of any stump dumps on site must be pre-approved by the Planning Board
- C. The contractor shall contact Dig Safe at least 72 hours prior to commencing any excavation
- D. Gas, Telephone, Cable, and Electric utilities shall be installed underground, and otherwise as specified by the respective utility companies
- E. Any action by a Town Board, Commission, or Department which requires changes in the placement of any easements or utilities, drainage facilities, grading or no cut lines, may be subject to modification by the Planning Board

WHEREAS, the following are terms prior to any site work:

- A. Yellow “Caution” tape shall be placed along the limit of clearing and grading as shown on the plan. The Director of Planning and Code Enforcement Officer must be contacted prior to any cutting and/or clearing on site
- B. All erosion and sediment control measures as outlined in the individual erosion control plans that will be developed for the site must be approved by the Big Flats Stormwater Officer and ensure that all stormwater is handled on site. In no case will stormwater be permitted to enter roadside ditches

WHEREAS, the following are terms throughout and during construction:

- A. Dust mitigation and roadway cleaning must be performed weekly, or as deemed necessary by the Director of Planning or a Code Enforcement Officer, throughout the construction process
- B. Hours of operation during construction are limited from 7 a.m. to 5 p.m., Monday through Friday and 8 a.m. – 5 p.m. on Saturdays. Construction is prohibited on Sundays and Town Holidays

NOW, BE IT THEREFORE RESOLVED, to grant preliminary and final conditional subdivision approval to Darrell and Linda Johns, 608 Hibbard Rd., Horseheads, NY 14845.

CARRIED: AYES: Esty, Byland, Seely, Muir, Piersimoni, Ormiston, Masler
NAYS: None

Dated: Tuesday, January 5, 2010
 BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
 Lance Muir
 Chairman, Planning Board

Discussion:

Esty asked for further details regarding the access in question.

Polzella stated there is no legal access; no formal right-of-way as far as Mr. Rhodes is concerned. The only issue regarding access is the neighboring driveway, which could be addressed by a lot line adjustment or an easement.

Johns stated she does not plan on changing the lot line.

Polzella recommends conditional approval of a formal easement. He has met with the surveyor regarding other outstanding issues and will follow-up. Pending submission of the noted final requirements Polzella recommends granting conditional preliminary and final approval.

**RESOLUTION P-2010-2
HOWARD RLO and WECS
TAX PARCEL 68.00-1-13.5
TOWNSEND WAY**

Resolution by: Esty
Seconded by: Piersimoni

WHEREAS, this Board has received an application for RLO permit review and Site Plan review on December 18, 2009; and

WHEREAS, this Board, as per Town of Big Flats Zoning Law 17.32.090, has determined the preliminary plat to be complete; and

WHEREAS, this Board hereby authorizes the Director of Planning to schedule a Public Hearing on Preliminary Plan for February 2, 2010 at the request of the applicant; and

WHEREAS, the proposed action is an Unlisted action pursuant to SEQR 6 NYCRR Part 617; and

WHEREAS, the Planning Board has considered the Short Environmental Assessment Form and other materials submitted by the applicant in support of the proposed action, has considered the comments of its staff report, December 29, 2009, made via written memoranda to the Planning Board (which memoranda are incorporated herein by reference) and verbal commentary during the Planning Board's meetings pertaining to the review and evaluation of the proposed action;

NOW THEREFORE BE IT RESOLVED, that the Planning Board of the Town of Big Flats hereby declare themselves as lead agency for an uncoordinated review, and

FURTHER RESOLVED, to waive any requirements of a licensed architect referenced in 17.24 due to the Board determination that the project will not create a significant visual impact.

CARRIED: **AYES:** Piersimoni, Muir, Byland, Masler, Ormiston, Esty, Seely
NAYS: None

Dated: Tuesday, January 5, 2010
BIG FLATS, NEW YORK

By order of the Planning Board of the Town of Big Flats
Lance Muir
Chairman, Planning Board

Discussion:

Polzella explained this is a simple RLO application that includes a single-family dwelling and a wind energy conversion system. The applicant's property is almost entirely in the RLO.

Via a phone interview with the NYS Historic Preservation Office it was revealed that this is an archeological sensitive area. Due to NYSERDA financing, an investigation is required. Because of the location, this may be reviewed as being on the fringe, or it may trigger a full archeological dig.

Muir stated that it appears the house location is acceptable, however the turbine seems to be located in the dig area.

Polzella agreed, but said due to state funding on part of the project, a full review is needed.

Esty asked if we could proceed conditionally.

Polzella would not recommend anything other than declaring the planning board as lead agency for SEQR.

Mrs. Howard said they arbitrarily chose where to place the turbine - would it be possible to shift it to another area?

Polzella is not sure if moving the location would be feasible. He will look into whether the applications may be considered separately.

Mr. Howard reiterated the possibility of shifting the location of the wind turbine.

Dobrydney noted that if the tower was relocated the buried electric lines would still disturb the area.

Seely asked if there was a time frame, in fairness to the applicant.

Esty's experience has shown that it happens fairly quickly.

Polzella reviewed the staff report. The proposed structure is 28ft. Staff opinion is there will not be a significant visual impact. The applicant has placed the structure in the least visible location, and will use earth tone colors (samples presented). Staff would like to see more detailed landscaping plan.

Mrs. Howard stated the area would be as woodsy and natural as possible with little landscaping.

Polzella noted that technically it is a requirement to have the landscaping plan done by a licensed architect.

Muir feels it is not necessary to involve a licensed landscape architect, however the landscaping should be included in the plans.

Motion by Muir, seconded by Masler, to table all further review including SEQR pending documentation from NYSSHPO regarding a potential archeo-sensitive area, Discussion, None, Motion Carries 7-0.

CORRESPONDENCE

Training February 8, 2010, 5:30pm to 9:00pm at the Community Center.

Motion to adjourn at 7:23pm by Seely, seconded by Byland, Discussion, None, Motion Carries 7-0.

Meeting adjourned at 7:24pm